

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

JAMES EVERETT SHELTON and JON
FREY, on behalf of themselves and others
similarly situated,

Plaintiffs,

v.

DIRECT ENERGY, LP,

Defendant.

Case No. 2:18-cv-4375-CMR

**DECLARATION OF STEVEN M. LUCKS
IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS**

STEVEN M. LUCKS declares as follows:

1. I am a partner with the law firm Fishkin Lucks LLP, counsel for defendant Direct Energy, LP ("Direct Energy") in this action. I make this declaration upon personal knowledge in support of Direct Energy's motion to dismiss.

2. Annexed hereto as Exhibit A is a true and correct copy of a compilation of TCPA cases initiated by plaintiff James Shelton.

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct.

Dated: November 7, 2018



STEVEN M. LUCKS

EXHIBIT C

	Case No.	District	Defendants
1.	2:2018-cv-04375	Eastern District of Pennsylvania	Direct Energy, LP
2.	3:2018-cv-13404	District of New Jersey	Gallant Ventures LLC d/b/a Merchant Direct LLC; Daniel L. Fiore
3.	2:2018-cv-03723	Eastern District of Pennsylvania	FCS Capital LLC d/b/a Funding Capital Source d/b/a Business Debt Experts f/k/a Business Debt Relief LLC; Emily Yashayev; Barry Shargel
4.	6:2018-cv-01335	Middle District of Florida	CSG Solutions Consulting LLC; CSG Solutions Services LLC; Vincent Campasano, Sr.; Carlos Sinencio Guerra; Carlos D. Guerrero
5.	2:2018-cv-04413	Eastern District of New York	Nest Planner LLC; Anthony Frisone
6.	1:2018-cv-00313	District of Idaho	Paramount Holding Company LLC
7.	2:2018-cv-02759	Eastern District of Pennsylvania	Invest 360, LLC d/b/a Fast Capital 360; Invest 360 Syndication Group, Inc.
8.	2:2018-cv-11294	District of New Jersey	Merchant Flow Financial Corporation; Conroy Williamson
9.	2:2018-cv-02545	Eastern District of Pennsylvania	National Student Assist LLC; Nir J. Goldin; Liberty Financial USA, LLC; Brian M. Roche; Does 1-100
10.	1:2018-cv-09915	District of New Jersey	Pivotal Payment Systems, Inc. d/b/a Capital Processing Network and CPN; Bruce Breunig, Jr.
11.	2:2018-cv-02259	Eastern District of Pennsylvania	RFR Capital LLC; Roberts A. Signore; Ryan M. Cola; Randall Richards
12.	2:2018-cv-02186	Eastern District of Pennsylvania	Capital Advances LLC; Carmela Morelli; Vincenzo Morelli
13.	2:2018-cv-02187	Eastern District of Pennsylvania	Arete Financial Group; Shunmin HSU; Phu Loc
14.	2:2018-cv-02071	Eastern District of Pennsylvania	Fast Advance Funding, LLC
15.	2:2018-cv-02070	Eastern District of Pennsylvania	Target Advance LLC
16.	2:2018-cv-02072	Eastern District of Pennsylvania	Paramount Holding Company, LLC d/b/a Paramount Payment Systems
17.	2:2018-cv-01655	Eastern District of Pennsylvania	Centerpointe Lending Student Loan Services; Jeffrey R. Silhanek; Scott E. Shaller
18.	5:2017-cv-00179	Northern District of W. Virginia	DirectTV, LLC; AC1 Communications; Adam Cox;

			Birju, LLC; CDS V1, LLC; Exact Estimating, LLC; Explosive Sales Marketing Group, Inc.; IQ Marketing 2, Corp.; Michael Asghari; Kreatamotive LLC; Mylan Johnson Group; Nas Air Logistics, LLC; Pic Six, LLC; Super Sale Outlets, LLC; Xcite Satellite, LLC
19.	2:2017-cv-04063	Eastern District of Pennsylvania	National Gas & Electric, LLC
20.	1:2017-cv-01868	Northern District of Ohio (Cleveland)	LIG International LLC; John Paul Elias; Carlos Maloff; Yuri Lima; Danny Jimenez; Marco Josh Torres; Does 1-100
21.	2:2017-cv-03301	Eastern District of Pennsylvania	Fundbox, Inc.; Rapid Response Marketing, LLC; Kevin Devincenzi
22.	2:2017-cv-02851	Eastern District of Pennsylvania	Merchant Source Inc. ("MSI"); Anthony Delillo; George M. Greco, Jr.; Does 1-100, Inclusive
23.	2:2017-cv-02620	Eastern District of Pennsylvania	iCapital Cash Group Inc; LCF Group, LLC; Last Chance Funding Inc.; Ed Ore; Gary Damico; Edward Samways; Does 1-100; iCapital Cash Inc.
24.	2:2017-cv-02367	Eastern District of Pennsylvania	Mark D. Guidubaldi & Associates LLC d/b/a Protection legal Group LLC; Mark D. Guidubaldi; Corporate Bailout, LLC d/b/a Corporate Restructure LLC; Sanford J. Feder; Does 1-100
25.	2:2017-cv-02368	Eastern District of Pennsylvania	Doan Solutions, LLC; Thai Doan; Does 1-100
26.	MJ-38125-cv- 0000067-2016	Magisterial District Court 38-1-25	Capital Advance Solutions, LLC; Charles Betta
27.	MJ-38125-CV-0000080-2016	Magisterial District Court 38-1-25	Western Capital Financial Services, LLC d/b/a Western Capital Funding; Joshua Hamrell
28.	MJ-38125-CV-0000092-2016	Magisterial District Court 38-1-25	Doan Solutions, LLC; Thai Doan
29.	2016 CVI 15320	Cleveland Municipal Court	Endurance Warranty Services, LLC
30.	MJ-3 8125-CV-0000074-	Magisterial District Court 38-1-	Seafront Marketing, LLC d/b/a Market Capital

	2017	25	Funding, LLC; Joseph J. Mullin
31.	MJ-38125-CV-0000075-2017	Magisterial District Court 38-1-25	First Standard Financial Company, LLC d/b/a First Standard; Finance Company LLC; Carmine Berardi
32.	MJ-38125-CV-0000076-2017	Magisterial District Court 38-1-25	Creditors Relief, LLC
33.	MJ-38125-CV-0000118-2017	Magisterial District Court 38-1-25	Insurance Resource Group; Brandon Wayne Elias
34.	MJ-38125-CV-0000128-2017	Magisterial District Court 38-1-25	Thurman M. Smith
35.	MJ-38125-CV-0000131-2017	Magisterial District Court 38-1-25	Student Loan Assistance Foundation, LLC; Michele R. Lear; Lonny Lear
36.	2017-27226	Court of Common Pleas of Montgomery County, Pennsylvania	One Way Funding, LLC; Joseph Reinhardt
37.	2018-00009	Court of Common Pleas of Montgomery County, Pennsylvania	Green Star Capital Solutions LLC; Alexander Silverman